

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBERT W. JOHNSON,)
Plaintiff,)
v.) C.A. No. 22-079-CFC
BUFFALO CITY COURT, et al.,)
Defendants.)

MEMORANDUM

1. **Background.** Plaintiff Robert W. Johnson (“Plaintiff”), who resides in Watertown, New York, filed this action on January 20, 2022. He appears *pro se* and had been granted leave to proceed *in forma pauperis*. (D.I. 6).

2. **The Complaint.** Plaintiff brings this action asserting violations of his civil rights and right to due process violation because Defendants, both of whom are located in Buffalo, New York, failed to dismiss criminal charges against him. (D.I. 2 at 1, D.I. 2-1). It appears that Plaintiff may believe jurisdiction is proper based upon a federal question. It is unclear why the action was filed in the District of Delaware.

3. **Discussion.** The court may transfer a case “[f]or the convenience of parties and witnesses, in the interest of justice, . . . to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). This Court may raise venue and issue a Section 1404(a) transfer order *sua sponte*. See e.g., *Amica Mut. Ins. Co. v. Fogel*, 656 F.3d 167 (3d Cir. 2011).

4. A review of the filings indicate that the alleged claims occurred in Buffalo, New York, not Delaware. In addition, all parties reside and/or located in New York. This Court considers the allegations in the Complaint and finds the interests of justice favor transferring the action to the United States District Court for the Western District of New York, Buffalo

Division, where based upon the allegations it appears that all of the events took place.

4. **Conclusion.** For the above reasons, the Court will direct the Clerk of Court to transfer action to the United States District Court for the Western District of New York, Buffalo Division. A separate order shall issue.



Chief Judge

Dated: April 26, 2022
Wilmington, Delaware